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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,804	01/11/2002	Paul H. DeKeyser	101488.0001US1	9078

24392 7590 06/19/2009

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EXAMINER
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TEKLE, DANIEL T

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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06/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/043,804	<b>Applicant(s)</b> DEKEYSER ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-12, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 07/2009 has been entered.

### ***Response to Argument***

Applicant's arguments with respect to claim 7-12 , 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The words "non-sequential and non-contiguous" not find in the specification.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites "select different first and second sets of contiguous ones of the memory address where the first set and second set of addresses are non-contiguous" renders the claim indefinite because it is unclear the limitation. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7-12, 17 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al. (US 5,488,409).

**Regarding Claim 7:** Yuen et al. discloses a method of recording a video sequence having a first video frame and a second video frame that is non-sequential with respect to the first video frame, comprising: providing a memory having a plurality of memory locations corresponding to a plurality of memory addresses (**column 8 line 65 to column 9 line 18 and Fig. 2**); using a linked list to select different first and second sets of contiguous ones of the memory addresses where the first set and second set of

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addresses are non-contiguous (column 10 lines 11-24 and Fig. 3); compressing the first and the second video frame into a first variable sized compressed frame and a second variable size compressed frame having a different size than the first compressed frame; (column 8 line 65 to column 9 line 18 and column 10 lines 4-30); writing the first compressed frames to a first memory location having a first memory address within the first selected set, and writing the second compressed frame to a second memory location having a second memory address within the second selected set,(column 10 lines 4-30 and lines 33-53); storing a first and second frame address in an index corresponding to the first and second memory addresses, respectively, where the compressed frames are written (column 12 line 52 to column 13 line 6); and cueing the second video frame within a single frame latency time while playing back the first video frame by obtaining the second frame address from the index, and decompressing the second compressed frame stored at the second memory location (column 13 lines 20-33).

**Regarding Claim 8:** Yuen et al. discloses a method of recording of claim 7, wherein the index identifies of the first and second compressed frames using at least one of frame number, time, and date **(column 14 lines 1-17).**

**Regarding Claim 9:** Yuen et al. discloses a method of recording of claim 7, wherein the first frame addresses to which the first compressed frame is written is a start address for a video clip(column 10 lines4-10).

**Regarding Claim 10:** Yuen et al. discloses a method of recording of claim 7, wherein the step of using the linked list to select the sets of memory addresses comprises selecting a largest one of the sets **(column 9 lines 1-15)**.

**Regarding Claim 11:** Yuen et al. discloses a method of recording of claim 7, wherein the index comprises an index table stored in a random access memory **(column 17 table II)**.

**Regarding Claim 12:** Yuen et al. discloses a method of recording of claim 11, further comprising protecting the first compressed from being overwritten by a third variable sized compressed frame via writing the third compressed frame at a memory location corresponding to at least one of the memory addresses of the first selected set other than the first frame address **(column 12 lines 51-67)**.

**Regarding Claim 17:** Yuen et al. discloses a method of recording of claim 7, further comprising looping the memory by creating additional compressed frames from subsequent video frames of the video sequence, and overwriting the first compressed frame with one of the additional compressed frames having a size different from that of the first compressed frame at the first memory location **(column 42 lines 21-42)**.

**Regarding Claim 18:** Yuen et al. discloses a method of storing and playing back a video recording having 1 though n variable length video frames, where n is at least 9 comprising: storing each of the n video frames in n different memory locations, respectively **(Fig. 3)**, using a random access index to store pointers to each of the n memory locations **(column 10 lines 11-25)**; using the index to directly locate, access,

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and playback any individual ones of the n video frames within a single frame latency time while playing back any on of the other video frames (column 10 lines 11-25).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621

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